

REMARKS

In response to the Official Action dated October 4, 2002, Applicant amends the application and requests reconsideration. In the Amendment, claim 1 has been amended, and claims 2 and 3 have been cancelled. No new matter has been added. Claims 1, 4 and 5 are now pending and under examination.

Claim 1 has been amended by incorporating therein the subject matter of cancelled claims 2 and 3.

The rejections of claims 1, 4 and 5 under 35 U.S.C. §102(b) have been rendered moot by the incorporation of the subject matter of claims 2 and 3 into claim 1.

Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ernst* (U.S. Patent 5,698,098) in view of WO 97/28880. For the following reasons, Applicant respectfully requests that Examiner Menon reconsider and withdraw this rejection with respect to claims 1, 4 and 5.

The claimed invention, as defined by claims 1, 4 and 5, includes various features that are not disclosed or suggested by the cited references. For example, amended claim 1 recites a plate spring, one end of which is fixed and a free end of which seals the drain opening. None of the cited references discloses or suggests this feature.

In *Ernst*, for example, only a sliding valve is used to seal the drain opening. There is no disclosure or suggestion that a plate spring is used to seal the drain opening. The spring (27) shown in Figure 1d of *Ernst* is a return

spring, and there is no disclosure in *Ernst* that this spring is used to seal the drain opening. In addition, this spring (27) does not have a free end. In fact, the spring (27) may be circular and, therefore, may not even have an end. Therefore, the spring (27) cannot seal the drain opening with a free end. Further, *Ernst* teaches away from fixing any portion of the spring (27). As designed, the spring (27) moves up and down, as shown by comprising the left and right halves of Figure 1d. If any portion of the spring (27) were fixed, it would not be able to move up and down, and the filter would not work properly.

The Official Action stated that WO 97/28880 teaches fixing an end of a plate spring that seals a draining port. However, one skilled in the art would not have modified the spring (27) of *Ernst* according to the teaching of WO 97/28880, because, as stated above, no portion of the spring (27) can be fixed if the filter is to work properly. Accordingly, the two references cannot be successfully combined with respect to the feature of fixing one end of a plate spring.

Additionally and alternatively, none of the cited references discloses or suggests the actuation of the plate spring by a shoulder or a bead of a supporting body for the filter element. Contrary to the allegation of the Official Action, *Ernst* does not disclose this feature at all. Indeed, *Ernst* does not even disclose a supporting body for the filter element. The Official Action alleged that column 1, lines 39-48, of *Ernst* discloses a supporting body for a filter element. Applicant's counsel, however, could not find the alleged disclosure of a supporting body in that portion of *Ernst*. The Official Action further alleged that Figure 1d of *Ernst* shows a supporting body for a filter element. Again, Applicant's counsel could not find a supporting body in Figure 1d or in the description of Figure 1d.

Further, the Official Action does not even alleged that the cited references disclose or suggest a supporting body for the filter element connected to the cover of the filter.

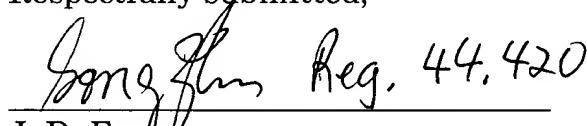
In view of the above discussion, none of the cited references discloses or suggests all elements of amended claim 1 and, therefore, all elements of claims 4 and 5, which depend from claim 1.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #178/49984).

Respectfully submitted,

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MARKED UP VERSION TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) Liquid filter comprising a housing, a cover to seal said housing, a filter element arranged in said housing, and a supporting body for the filter element connected to the cover, wherein the housing has an inflow opening for the liquid to be filtered, an outlet opening for the filtered liquid, and a drain opening for the liquid, which is sealed during normal operation of the filter element and is opened for maintenance or replacement of the filter element, wherein said drain opening is sealed with [en element that] a plate spring made of spring steel, which is fixed at one end and the free end of which seals the drain opening, wherein the plate spring can be actuated by a shoulder or a bead of the supporting body for the filter element.